

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

KEVIN MURPHY,

Plaintiff,

v.

Case No. 8:20-cv-2688-T-60AAS

MARK MICALÉ and
TODD ALAN HUNGER,

Defendants.

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ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on consideration of the report and recommendation of Amanda A. Sansone, United States Magistrate Judge, entered on January 6, 2021.

(Doc. 8). Judge Sansone recommends Plaintiff's motion for leave to proceed *in forma pauperis* (Doc. 2) be denied, and that his complaint (Doc. 1) be dismissed with prejudice due to Plaintiff's failure to file an amended complaint as directed. Neither Plaintiff nor Defendant filed an objection to the report and recommendation, and the time to object has expired.

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify the magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1); *Williams v. Wainwright*, 681 F.2d 732 (11th Cir. 1982). In the absence of specific objections, there is no requirement that a district judge review factual findings *de novo*, *Garvey v. Vaughn*, 993 F.2d 776, 779 n.9 (11th Cir. 1993), and the court may accept, reject, or modify, in whole or in part, the findings and recommendations. 28 U.S.C. § 636(b)(1)(C). The district judge reviews

legal conclusions *de novo*, even in the absence of an objection. See *Cooper-Houston v. S. Ry. Co.*, 37 F.3d 603, 604 (11th Cir. 1994); *Castro Bobadilla v. Reno*, 826 F. Supp. 1428, 1431-32 (S.D. Fla. 1993), *aff'd*, 28 F.3d 116 (11th Cir. 1994) (table).


Upon due consideration of the record, including Judge Sansone's report and recommendation, the Court adopts the report and recommendation. Consequently, Plaintiff's *in forma pauperis* motion is denied. The complaint is dismissed.

Accordingly, it is

ORDERED, ADJUDGED, and DECREED:

- (1) Judge Sansone's report and recommendation (Doc. 8) is **AFFIRMED** and **ADOPTED** and **INCORPORATED BY REFERENCE** into this Order for all purposes, including appellate review.
- (2) Plaintiff's motion for leave to proceed *in forma pauperis* (Doc. 2) is hereby **DENIED**.
- (3) The complaint (Doc. 1) is **DISMISSED**.
- (4) The Clerk is directed to terminate any pending motions and deadlines, and thereafter close this case.

DONE and **ORDERED** in Chambers, in Tampa, Florida, this 21st day of January, 2021.



TOM BARBER
UNITED STATES DISTRICT JUDGE